

JS 44 (Rev. 10/20)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

THOMAS R. BUSS

(b) County of Residence of First Listed Plaintiff LANCASTER  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

JOSEPH C. KORSAK, ESQ; 34 N. QUEEN ST, YORK,  
PA 17403

**DEFENDANTS**

PENSKE LOGISTICS LLC

County of Residence of First Listed Defendant YORK  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question  
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
42 USC 12112

Brief description of cause:  
discrimination due to disability

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

1/25/21

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<hr/>		
<b>THOMAS R. BUSS,</b>	:	<b>Civil Action No.</b>
	:	
<b>Plaintiff</b>	:	
	:	
<b>v.</b>	:	<b>Judge</b>
	:	
<b>PENSKE LOGISTICS LLC</b>	:	
	:	
<b>Defendant</b>	:	
<hr/>	:	<b>JURY TRIAL DEMANDED</b>
	:	

**NOTICE OF LAWSUIT AND REQUEST  
FOR WAIVER OF SERVICE OF SUMMONS**

**TO:**

**PENSKE LOGISTICS LLC  
10 WINSHIP AVE.  
YORK, PA 17408**

A lawsuit has been commenced against you. A copy of the complaint is attached to this notice. It has been filed in the United States District Court for the Middle District and has been assigned docket number for this case is .



This is not a formal summons or notification from the court, but rather my request that you sign and return the enclosed waiver of service in order to save the cost of serving you with a judicial summons and an additional copy of the complaint. The cost of service will be avoided if I receive a signed copy of the waiver within thirty (30) days after the date designated below as the date on which this Notice and Request is sent. I enclose a stamped and addressed envelope for your use. An extra copy of the waiver is also attached for your records.

If you comply with this request and return the signed waiver, it will be filed with the court and no summons will be served on you. The action will then proceed as if you had been served on the date the waiver is filed, except that you will not be obligated to answer the complaint before 60 days from the date designated below as the date on which this notice is sent (or before 90 days from the date if your address is not in any judicial district of the United States).

If you do not return the signed waiver within the time indicated, I will take appropriate steps to effect formal service in a manner authorized by the Federal Rules of Civil Procedure and will then, to the extent authorized by those Rules, ask the court to require you to pay the full costs of such service. In that connection, please read the statement concerning the duty of parties to waive the service of the summons, which is set forth on the reverse side (or at the foot) of the waiver form.

I affirm that this request is being sent to you on behalf of the Plaintiff this 25<sup>TH</sup> day of January, 2021.

By:

  
Joseph C. Korsak, Esquire

34 North Queen Street

York, PA 17403

(717) 880-3759

I.D. No. 22233

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>THOMAS R. BUSS,</b>	:	<b>Civil Action No.</b>
<b>Plaintiff</b>	:	
	:	
<b>v.</b>	:	<b>Judge</b>
	:	
<b>PENSKE LOGISTICS LLC</b>	:	
<b>Defendant</b>	:	
	:	<b>JURY TRIAL DEMANDED</b>
	:	

**WAIVER OF SERVICE OF SUMMONS**

TO: Joseph C. Korsak, Esquire  
Attorney for Plaintiff  
34 North Queen Street  
York, PA 17403

I acknowledge receipt of your request that I waive service of a summons in this action, which is case number \_\_\_\_\_ in the United States District Court for the Middle District. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I be served with judicial process in the manner provided by Rule 4.



I will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me if an answer or motion under Rule 12 is not served upon you within sixty (60) days after \_\_\_\_\_ or within ninety (90) days after that date if the request was sent outside the United States.

Date: \_\_\_\_\_

By: \_\_\_\_\_  
PENSKE LOGISTICS LLC

#### Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A Defendant located in the United States who, after being notified of an action and asked by a Plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A Defendant who waives service must within the time specified on the waiver form serve on the Plaintiff's attorney a response to the Complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that Defendant. By waiving service, a Defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>THOMAS R. BUSS,</b>	:	<b>Civil Action No.</b>
<b>Plaintiff</b>	:	
	:	
<b>v.</b>	:	<b>Judge</b>
	:	
<b>PENSKE LOGISTICS LLC</b>	:	
<b>Defendant</b>	:	<b>JURY TRIAL DEMANDED</b>
	:	

**COMPLAINT**

To the Honorable Judges of the United States District Court for the Middle District of Pennsylvania:

**COMES NOW**, the Plaintiff, Thomas R. Buss, by and through his attorney, the Law Office of Joseph C. Korsak, and files the instant Complaint asserting as follows:

**I. Preliminary Statement**

1. Thomas R. Buss, (hereinafter "Plaintiff"), brings this action pursuant to the Americans with Disabilities Act (ADA), 42 U.S.C. § 12101 et seq., as amended, and the Pennsylvania Human Relations Act (PHRA), 43 P.S. § 951, et seq., as amended, for discrimination based upon a disability and the failure to accommodate same. Mr. Buss seeks compensatory damages and other employment benefits which



he lost as a result of Defendant's illegal actions, punitive damages, counsel fees, and costs.

## II. **Jurisdiction**

2. Jurisdiction of the Court over the Plaintiff's federal question claims is invoked pursuant to 28 U.S.C. § 1337; the Court's supplemental jurisdiction with respect to the claims arising under the PHRA is authorized by 28 U.S.C.A. § 1367. Jurisdiction is predicated upon Section 102 of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12112.
3. Jurisdiction is further predicated upon 28 U.S.C. § 1331 and 1343(4). The court has pendent jurisdiction of the state law based claim.
4. Plaintiff filed timely charges with the PHRC, alleging that Defendant unlawfully discriminated against her in violation of the PHRA, and that such unlawful conduct was occurring on a continuous basis.
5. The EEOC, pursuant to its work sharing agreement with the PHRC, held Plaintiff's complaint in abeyance pending the outcome of the PHRC investigation.
6. The U.S. Department of Justice granted Plaintiff a Notice of Right to Sue upon his request as did the Pennsylvania Human Relations Commission.
7. This action has been filed within ninety (90) days of receipt of the Notice of Right to Sue.
8. Venue is appropriate under 28 U.S.C. §1391(b) (1) and (2) in that all events relevant to the discriminatory acts took place in York County, Pennsylvania.

## III. **Parties**

9. Plaintiff, Thomas R. Buss, was and is a citizen of the United States and the Commonwealth of Pennsylvania who resides and is domiciled

at 316 Barberry Drive, Lancaster, PA. 17601.

10. Defendant Penske Logistics LLC is believed to be a Delaware limited liability company duly organized and chartered under the laws of the Delaware, operating in Pennsylvania as a foreign entity doing business in the Commonwealth of Pennsylvania, having its principal place of business at Route 10 Green Hills, Box 583, Reading PA. Penske Logistics LLC maintains offices within the Middle District such as one at 10 Winship Rd., York , Pa 17406 , the place at which the discriminatory conduct took place.

#### IV. **FACTUAL ALLEGATIONS**

11. Plaintiff was a full time truck driving employee of the Defendant.
12. Plaintiff was and is a qualified individual with a disability, having been diagnosed with unspecified anxiety disorder, generalized anxiety disorder, attention deficit disorder with hyperactivity; to wit, Plaintiff was phobic about being photographed or having his actions be recorded.
13. The Defendant had copies of all of Plaintiff's medical records and knew or should have known of same.
14. Some time in 2018, the Defendant announced that it was placing inward facing recording cameras in the cabs of all Penske Trucks.
15. Plaintiff's reaction to this was an increase in anxiety, sweating, elevated heart beat, and caused lack of concentration.
16. Plaintiff, with a reasonable accommodation, was able to perform services for the employer.
17. Plaintiff simply asked, among other things, that the camera not be focused on him.



18. Plaintiff, with or without a reasonable accommodation, could perform the essential functions of his job.
19. Despite repeated requests for accommodations, the Defendant refused to make any accommodation to Plaintiff's disability.
20. Defendant subsequently terminated Plaintiff's employment, refusing to offer any accommodation.
21. Plaintiff was at all times an employee of Defendant until he was terminated from his position, an action taken under false pretenses.

V. **Statement of Claims**

COUNT 1 ADA DISCRIMINATION

22. The allegations set forth in Paragraphs 1-21 are restated and incorporated by reference herein.
23. Under the ADA, prohibited discrimination includes:  
"not making reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless such covered entity can demonstrate that the accommodation would impose an undue hardship on the operation of the business of such covered entity." 42 U.S.C. § 12112(b)(5).

24. Plaintiff is a qualified individual with a disability.
25. Plaintiff has a record of a disability within the meaning of the ADA.
26. Defendant regarded Plaintiff as disabled within the meaning of the ADA.
27. Plaintiff was a qualified individual under the ADA because he could perform his essential job functions with or without reasonable accommodation. 42 U.S.C. § 12111(8).
28. Defendant was a covered employer under the ADA, as it employed more than fifteen employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year. *Id.* at § 12111(5).
29. Plaintiff was and is substantially limited in the major life activities of speaking, communicating, concentrating, thinking, and interacting with others, as well as in the major bodily functions of the brain and neurological system.
30. Defendant's disparate treatment of Plaintiff and refusal to accommodate him was knowing, intentional, unreasonable and unlawful.
31. It was not an undue hardship for Defendant to accommodate Plaintiff in his position, nor was there any legitimate nondiscriminatory reason for Defendant to treat Plaintiff differently and less favorably in his terms, conditions, rights and privileges of employment, in comparison with those who are not disabled within the meaning of the statutes, and/or in comparison with those who did not request reasonable accommodation, or engage in other protected oppositional and/or participational activity.
32. Defendant's failure to accommodate Plaintiff, failure to engage



Plaintiff in the interactive process, and disparate treatment of Plaintiff violates the ADA.

33. Defendant acted with reckless disregard of the rights of Plaintiff to be free from discrimination and harassment, and his right to be provided a reasonable accommodation, because of his disability.
34. Plaintiff has suffered tangible and intangible losses resulting from Defendant's violation of the law, in excess of \$100,000.00.
35. Plaintiff is entitled to lost wages and benefits unlawfully denied, plus prejudgment interest, compensatory damages, the recovery of his reasonable legal fees and costs, and all other appropriate legal and equitable relief, including wage adjustment and recovery of out-of-pocket expenses he incurred due to the discrimination by Defendant in order to make him whole as required under the statutes.

WHEREFORE, Plaintiff respectfully requests that this Court:

- A. Grant a permanent injunction enjoining Defendant and all persons in active concert or participation with it from engaging in any employment practice against Plaintiff which violates the public policy of nondiscrimination embodied in the ADA and the PHRA.
- B. Order Defendant to make whole Plaintiff, (1) by restoring his present salary to the point where it would have been but for the discrimination and retaliation, (2) paying appropriate back pay with prejudgment interest, liquidated damages and/or other affirmative relief necessary to eradicate the effects of its unlawful employment actions and practices.
- C. Order Defendant to pay compensatory damages to Plaintiff in an

amount to reasonably compensate Plaintiff for his pecuniary and non-pecuniary losses for emotional pain, suffering and loss of enjoyment of life, to be determined at trial.

- D. Order Defendant to pay the costs and reasonable attorney's fees incurred by Plaintiff.
- E. Order Defendant to pay front pay to Plaintiff to offset any future economic losses caused or contributed to by the discrimination and retaliation against Plaintiff.
- F. Order Defendants to pay Plaintiff an additional amount to offset, to the greatest extent possible, the negative tax consequences of receiving the award of damages in a single tax-year, in order to effectuate the congressional intent expressed in the statutes, of securing to victims of discrimination make-whole relief.
- G. Grant such further relief as the Court deems necessary and proper, including punitive damages.

## COUNT 2 Pa HRA DISCRIMINATION

- 36. The averments of clauses 1-35 above are incorporated by reference.
- 37. Defendant's failure to accommodate Plaintiff, failure to engage Plaintiff in the interactive process, and disparate treatment of Plaintiff violates the PHRA.

WHEREFORE, Plaintiff respectfully requests that this Court:



- A. Grant a permanent injunction enjoining Defendant and all persons in active concert or participation with it from engaging in any employment practice against Plaintiff which violates the public policy of nondiscrimination embodied in the ADA and the PHRA.
- B. Order Defendant to make whole Plaintiff, (1) by restoring his present salary to the point where it would have been but for the discrimination and retaliation, (2) paying appropriate back pay with prejudgment interest, liquidated damages and/or other affirmative relief necessary to eradicate the effects of its unlawful employment actions and practices.
- C. Order Defendant to pay compensatory damages to Plaintiff in an amount to reasonably compensate Plaintiff for his pecuniary and non-pecuniary losses for emotional pain, suffering and loss of enjoyment of life, to be determined at trial.
- D. Order Defendant to pay the costs and reasonable attorney's fees incurred by Plaintiff.
- E. Order Defendant to pay front pay to Plaintiff to offset any future economic losses caused or contributed to by the discrimination and retaliation against Plaintiff.
- F. Order Defendant to pay Plaintiff an additional amount to offset, to the greatest extent possible, the negative tax consequences of receiving the award of damages in a single tax-year, in order to effectuate the congressional intent expressed in the statutes, of securing to victims of discrimination make-whole relief.
- G. Grant such further relief as the Court deems necessary and proper, including punitive damages.

COUNT 3 RETALIATION PaHRC AND ADA

38. The averments of clauses 1-37 above are incorporated by reference.
39. Plaintiff informed Defendant that he was filing a claim through the Pennsylvania Human Relations Commission.
40. Subsequent thereto, Defendant indicated that it would not provide any accommodation.
41. Subsequent thereto, Plaintiff learned that he had been terminated from employment ostensibly because he had not revealed his prior medication record with the employer.
42. Plaintiff had fully disclosed his medication history to all interested parties.
43. Plaintiff avers and believes that this conduct was a direct result of his indication that he sought the assistance of the Pennsylvania Human Relations Commission.

WHEREFORE, Plaintiff respectfully requests that this Court:

- A. Grant a permanent injunction enjoining Defendant and all persons in active concert or participation with it from engaging in any employment practice against Plaintiff which violates the public policy of nondiscrimination embodied in the PHRA and the ADA.
- B. Order Defendant to make whole Plaintiff, (1) by restoring his present salary to the point where it would have been but for the discrimination and retaliation, (2) paying appropriate back pay with prejudgment interest, liquidated damages and/or other affirmative relief necessary to eradicate the effects of its unlawful employment



actions and practices.

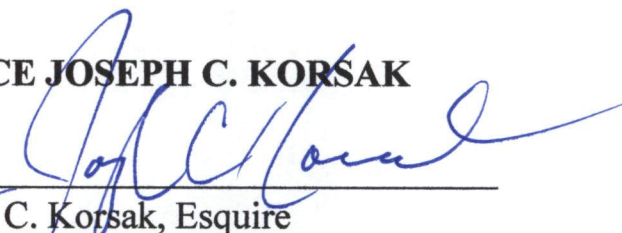
- C. Order Defendant to pay compensatory damages to Plaintiff in an amount to reasonably compensate Plaintiff for his pecuniary and non-pecuniary losses for emotional pain, suffering and loss of enjoyment of life, to be determined at trial.
- D. Order Defendant to pay the costs and reasonable attorney's fees incurred by Plaintiff.
- E. Order Defendant to pay front pay to Plaintiff to offset any future economic losses caused or contributed to by the discrimination and retaliation against Plaintiff.
- F. Order Defendants to pay Plaintiff an additional amount to offset, to the greatest extent possible, the negative tax consequences of receiving the award of damages in a single tax-year, in order to effectuate the congressional intent expressed in the statutes, of securing to victims of discrimination make-whole relief.
- G. Grant such further relief as the Court deems necessary and proper, including punitive damages.

END OF COMPLAINT

Respectfully Submitted,

**LAW OFFICE JOSEPH C. KORSAK**

Date: 1/25/21

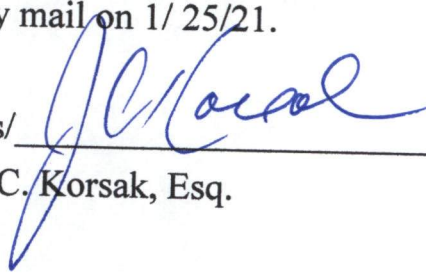
By:           /s/             
Joseph C. Korsak, Esquire  
Supreme Court Id: 22233  
34 North Queen Street  
York, PA 17403  
Telephone: (717)880-3759  
Email: josephckorsak@gmail.com



### **CERTIFICATION OF SERVICE**

The undersigned certifies that two copies of this complaint and the service waivers were served upon the Defendant by ordinary mail on 1/ 25/21.

Date: 1/25 /21

\_\_\_\_\_/s/   
Joseph C. Korsak, Esq.